

**PUBLIC ACCESS TO POLICE COMPLAINT
FORMS AND PROCEDURES
An Update**

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EXECUTIVE SUMMARY

In 2007, the ACLU of Rhode Island examined the websites of every police department in the state, to determine their adherence to a state law requiring the online posting of police complaint forms and complaint procedures. Three years after the law's passage, the report found that many departments failed to post all or some of the required information, while others required disclosure of intrusive information that was not required by law or necessary to the complaint process.

As the conversation about racial profiling has continued, so have the protestations by law enforcement that they simply do not receive complaints about police misconduct. In light of these continued claims, the ACLU of Rhode Island decided to reexamine the police department websites, to determine whether those departments that failed to adhere to the law in 2007 had rectified their difficulties, and how the posted forms and procedures facilitated the filing of complaints, if at all.

Dishearteningly, seven years after our initial report and a decade after passage of the state law requiring the posting of information, several police departments remain noncompliant with the law. Others still require more information than is necessary, while many others include provisions or requirements that can only serve to intimidate and discourage complaints.

Specifically, our investigation finds:

- Five police departments post no complaint forms or procedures online, despite their ability to post other forms and information on city or town websites.
- Three police departments post only complaint forms or procedures but not, as the law requires, both.

- Nineteen of the departments that post procedures in accordance with the law fail to explicitly accept complaints in the legally required manner.

- At least two departments require a complainant's social security number, and at least one requires the complaint to be notarized.

- At least eleven departments make selective cautionary statements or require complainants to sign disclaimers that suggest it is the complainants themselves who will be under investigation.

- Several departments give only a perfunctory explanation of their complaint process, barely adhering to the law and providing virtually no guidance to complainants.

In the end, while some departments criticized for their failure to adhere to the law in 2007 have made improvements, other departments have actually made it more difficult for complainants to locate these policies and procedures, and to have the kind of trust in the internal affairs process that is critical to facilitate feedback about police conduct. That it has only gotten easier over the years to make this information available online only makes the results of this report more distressing.

INTRODUCTION

More than a decade after Rhode Island law officially prohibited racial profiling by law enforcement officers, police harassment remains a daily reality for residents of minority communities. It is not just anecdotal evidence that supports this claim – more than three years of compelling statistics from all police departments in Rhode Island, spanning over a decade, have consistently demonstrated that racial minorities are much more likely than whites to be stopped for traffic violations and much more likely to be searched once stopped, even though they are less likely to be found with contraband.

Despite the data and much anecdotal evidence from the affected communities, some police departments cite the rarity of complaints filed through their internal affairs process as a rejoinder to claims about the prevalence of racial profiling or other police misconduct. To those working to address the problem of police misconduct, however, it is no surprise that very few such complaints are filed. Out of fear of retribution or a distrust of a system where police officers judge the behavior or misbehavior of their colleagues, or both, few victims of police misconduct file complaints with police departments.¹ This cynicism about the process is not unfair or unwarranted, for stories of successful findings of police misconduct issues are rare, further discouraging the filing of complaints.²

Having a complaint process that is often shrouded in secrecy does little to address the feelings of mistrust in the police complaint system. In October 2007, the ACLU of Rhode Island issued a report, “Public Access to Complaint Forms and Procedures,” noting that the policies, procedures and complaint forms that do exist are often intimidating and difficult to navigate.

In particular, the ACLU’s report examined the compliance by police departments with a state law addressing complaint forms and procedures for internal investigations of police

misconduct. Specifically, the Racial Profiling Prevention Act of 2004,³ the first Rhode Island law to substantively begin to address bias-based policing, requires police departments across the state to develop complaint forms and procedures to address alleged police misconduct, and to post these materials on their website.

The statute provides, in relevant part:

R.I.G.L. § 31-21.2-8 – Complaint procedures. – (a) Each state and municipal law enforcement agency shall establish a procedure to investigate complaints of police misconduct by members of the public against personnel of these agencies, and shall make a written description of the procedure available to the public. Copies of any departmental complaint forms shall be available in at least one governmental location other than the police department. The procedure and forms shall also be made available on any website of a law enforcement agency.

(b) At a minimum, complaints shall be accepted in person by mail or by facsimile.

Dishearteningly, the ACLU’s 2007 investigation discovered that, while this provision in the law imposed very modest requirements on police departments, almost half of the police departments in the state were in violation of those requirements. At the same time, the survey found that many agencies made their complaint procedures much more difficult or intrusive for complainants than they should be.

As the discussion around racial profiling – as well as law enforcement references to the lack of formally-filed complaints – has continued, the ACLU of Rhode Island decided to reexamine the websites for every police department in the state to see what, if anything, has changed since 2007 in this regard.

Unfortunately, nearly seven years after our initial report, the results remain disheartening. Five police departments post no complaint forms or procedures online. Three police departments post only complaint forms or procedures, but not both. Several departments

fail to explicitly accept complaints in the legally required manner. At least two police departments require submission of a complainants' social security number, and at least one requires the complaint to be notarized. And many departments require complainants to sign disclaimers that strongly suggest that it is the word of the police departments, and not the complainants, that will be believed.

What follows is a brief examination of some of the problems encountered and uncovered in this latest review of police department websites.⁴ Before engaging in that review, however, a general note about website format is in order. The law requires the online posting of this information "on any website of a law enforcement agency." Many police department websites are self-contained and have their own direct URL, while others appear to be adjuncts of the city or town's general website. Posting information on a website has become increasingly easy over the years – as demonstrated by the breadth of information contained on many city- or town-maintained websites. As such, we believe that each of the websites evaluated below – all of which were arrived at by performing a simple Google search – constitutes a "website of a law enforcement agency" for the purposes of the statute, whether it is a stand-alone website or a subset of a municipality's website.

COMPLIANCE WITH THE STATUTE

A. Disregard for the Law

The statutory provision cited above has three components: (1) Police departments must post online their written procedures for investigating complaints of police misconduct; (2) police departments must also make available and post online a police misconduct complaint form; and (3) police departments must accept those complaints in person, by fax and by mail, at a minimum.

Information about how to file a complaint and what to expect once a complaint has been filed is critical to facilitate, if not solicit, feedback from the community about police conduct and misconduct. At the same time, for those who feel they have been mistreated by the police, contacting the police department either by phone or in person for this information can be an intimidating or frightening concept. It takes no leap of the imagination to understand that a person who has been mistreated by a police officer may not want to enter a building and come face to face with that officer or his or her colleagues without first knowing exactly what will happen and what their rights are. These posting requirements therefore serve important public purposes. In the decade since the Racial Profiling Prevention Act was passed, it has only become easier for police departments to post this information online.

In 2007, six police departments – Foster, Gloucester, Richmond, South Kingstown, Tiverton and West Warwick – had law enforcement websites but completely ignored the statute, posting neither their police complaint form nor their complaint procedures online. Seven years later, of those six departments, all but Richmond and Tiverton have posted both documents.

As of the end of July 2014, however, four new police departments had no complaint forms or procedures available online. One, the Barrington Police Department, may be suffering

from technical difficulties. Although a link prominently posted on the Barrington Police Department's website invites those with a complaint about the police department to "click here," that link is broken and leads to a nonexistent page. The Barrington Police Department did have a complaint form and procedures posted in 2013, but several visits to the site in 2014 saw no change in the broken link.

The East Greenwich, Little Compton, New Shoreham and Tiverton police departments have no links to complaint forms or procedures anywhere on their website. In each of these instances, the departments have their information posted as part of a larger town website. Since the nature of the information on these sites indicates that the department plays a role in what gets posted, there is little basis to argue that they should be considered exempt from the posting requirements under the law. In fact, many police departments statewide post the necessary information on their town or city-hosted sites.

Yet, while the Tiverton Police Department posts significant information about their department including their mission statement, they post no complaint procedures online even though other town agencies have posted important forms and information on their sections of the very same website.⁵ Similarly, the police department web page for the town of New Shoreham, for example, posts links to deer hunting interest forms and parking applications. Surely, a form addressing the behavior of police officers warrants the same sort of consideration.

In 2007, a number of police departments' websites complied with only half of the statute's posting requirements. The Cranston, Cumberland, and Johnston police departments posted only their complaint procedures online, while the Burrillville, Charlestown, East

Providence, and Hopkinton police departments posted only their complaint form. All but Hopkinton now comply with both provisions of the law.

Hopkinton still has no complaint procedures online, although the website does contain one sentence stating that all forms on the website may be faxed to or dropped off at the police station, which is almost as much information as given by other police departments. As we will discuss, although most police departments have something posted online which can be considered, at least in minimalist terms, a complaint procedure, they often provide little more guidance than Hopkinton does.

Richmond, which in 2007 posted neither complaint procedures nor a form on their website, now posts just procedures. Coventry, meanwhile, took a step backwards. In 2007, the police department website was in full compliance with the law, but the site now posts their complaint form only, with no written policies or procedures as required.

In addition, the Central Falls Police Department's compliance is up for debate, as the department employs a complaint form that must be filled in online, with some required fields. While this form enables users to conveniently file a complaint online, it raises a number of accessibility questions. Complainants who wish to take their time filling out a form may find this format difficult, especially those who lack constant or extended Internet access. Further, requiring certain information for the form to process indicates that complainants who do not wish to share their mailing or email address out of fear of retribution by the police will have no ability to file a complaint. (While the Central Falls website makes it clear that anonymous reports are acceptable, name, address and email are required fields for submission.)

In 2013, Providence similarly utilized an online complaint form. However, as of 2014, Providence utilizes both an online fill-in form and a downloadable form that can be sent in to the police station, and the website further provides comprehensive and clear procedures.

B. Methods for Filing a Complaint

In addition to requiring the online posting of procedures and complaint forms, the same section of the Racial Profiling Prevention Act dictates that, “At a minimum, complaints shall be accepted in person[,] by mail or by facsimile.” Examining the written procedures, we find that a number of police departments are out of compliance with this section of the law.

As mentioned previously, Central Falls has no downloadable form – the form is only available as a fill-in that is sent over the Internet. Because this form can be neither mailed nor faxed, the Central Falls Police Department is automatically out of compliance with this section of the law.

Further, the Foster Police Department does not explicitly accept complaints by mail. The Department instructs, “Any person wishing to file a complaint may do so with any sworn officer or civilian dispatcher at the Department.” The website message creates the impression that complainants should be filing complaints in person. This may dissuade some who are concerned about appearing in person to file their complaints, which is why the law requires complaints to be accepted by mail and other means in the first place.

Twenty-one police departments further do not include explicit allowances for faxed complaints in their written policies and procedures. Although some have their fax numbers prominently displayed on their website, fax is not included in their procedures as a submission option. The purpose of including complaint procedures is to make it clear and apparent to

potential complainants exactly how their complaints can be filed. It remains uncertain whether a faxed complaint would be accepted, but failure to explicitly include fax or mail as a submission option is in tension with the law because it suggests to the complainant that these may not be acceptable ways to file a complaint.

C. Technical Difficulties

In 2007, an issue that arose on two departmental websites – Central Falls and Smithfield – involved inactive or “broken” links to information. The websites were checked twice, a month apart, to confirm that these were not temporary glitches. The websites for New Shoreham and West Greenwich were perpetually listed as “Under Construction,” and could not be properly examined at the time. All four of these websites were up and working in 2014.

As previously mentioned, the complaint form section of the Barrington Police Department was not working throughout July 2014, although the rest of the website appeared to be working properly. The dedicated website for the Warren Police Department also appeared to be under construction in 2014, as all links were broken. However, the website for the Town of Warren maintained a police department section with the relevant police complaint documents prominently posted, allowing complainants to still find the information online.

ADDITIONAL BARRIERS IMPOSED ON COMPLAINANTS

A. Intimidating Warnings

The ACLU's 2007 report was prompted, in part, by reports that the Pawtucket Police Department required the disclosure of significant personal information, including a social security number, in order to file a complaint. Complainants were required to sign waivers allowing for the police to obtain, from any source whatsoever, any and all copies of the complainant's employment records, medical records, financial records and credit history, leaving it unclear exactly who was under investigation. In addition, complainants had to file a separate notarized form acknowledging that any statement they made "which falsely accuses a member of the Pawtucket Police Department of any form of police misconduct or criminal activity" could lead to criminal charges or civil liability.

In 2014, Pawtucket has made significant improvements to their form and has eliminated these intimidating requirements. Many other police departments, however, have adopted some of the same troublesome provisions in the interim.

While no police department requires complainants to sign the broad authorization to release information that Pawtucket did in 2007, similar subtle forms of intimidation appear in a number of other departments' complaint forms. Nine police departments⁶ require complainants to aver that the information they have provided is true to the best of their knowledge. In principle, such an acknowledgement is benign, and even understandable, but it adds an unnecessary element of distrust to the complaint process. This concern is heightened by the uneven use of these statements, a disparity that is sometimes obvious: The Providence Police Department form, for example, has this averment for complaints, but does not similarly require such an acknowledgement from individuals filing a police *compliment* form.

Even more intimidating, the complaint procedures or forms for the Cranston, Gloucester, Johnston, Portsmouth, Scituate and Warren police departments inform complainants that they may be prosecuted civilly or criminally if the investigation determines that the allegations against the officer were knowingly false. As with the acknowledgments described in the preceding paragraph, it is hard to consider these warnings sincere cautionary measures when similar warnings do not appear on other documents placed online by these police departments. For example, the Cranston Police Department's complaining witness form contains no language regarding the prosecution of a complainant (although it does require the complainant to state they have made their complaint voluntarily). Under the circumstances, these warnings are just as likely to serve as a deterrent to the filing of legitimate complaints as false ones.

In 2007, several police department complaint forms warned complainants they could be punished for the filing of any false information, whether or not it was known to be untrue at the time. While forms in 2014 have been modified to clarify that the false information must be knowingly transmitted, it does not alleviate the concerns expressed above in light of the very selective use of this warning. In fact, the Cranston Police Department all but informs complainants that the process is stacked against them. In their Complaint Procedures, that department lists "Protect employees from false allegations of misconduct" as one of the "Goals of the Complaint Process."

Finally, four police departments require complainants to agree up-front to cooperate with any investigation, appear before a hearing board if requested, and to testify under oath. Just as the Constitution guarantees those accused of a crime the right to a trial and to confront witnesses against them, the Law Enforcement Officers' Bill of Rights (LEOBOR) permits law enforcement officers who are subjected to major disciplinary action to request a hearing of the

facts against them. However, police chiefs have the authority to impose minor forms of discipline without the necessity of an LEOBOR hearing.

Further, to our knowledge, no requirement of participation is imposed on any other complainant or alleged victim of a crime or other misconduct, nor is it appropriate for the police to make an investigation contingent on a victim's willingness to testify in the future. Law enforcement should investigate any non-frivolous report of police misconduct, without strings attached, but the Bristol, Lincoln, Narragansett and West Greenwich police departments require those complaining of police misconduct to commit to the entirety of an investigation before police will do so.

While Providence does not require complainants to agree to testify before their complaint can be filed, their procedures have the same effect. Providence's procedures inform complainants up front that a hearing is mandatory on each complaint, and that if the complainant does not appear at this hearing, the hearing officer will find not guilty the officer whose misconduct is alleged. While not as explicit as other departments, Providence complainants must be prepared at the time they file a complaint to testify. For individuals who already feel the police will not believe them or who are concerned about retribution, this up-front warning of required participation in a long, arduous process can be a forceful deterrent against reporting.

B. Intrusive Requests for Information

In 2007, four cities or towns for which we were able to obtain complaint forms online – Barrington, Coventry, Jamestown and Portsmouth – required anyone wishing to file a complaint to supply a social security number. In 2014, Coventry continues to require social security

numbers on police complaint forms. Although Barrington's online policies were unavailable in 2014, the request for an SSN remained on the form that was online in 2013. The Warren Police Department also requires submission of an SSN; that department had no website at the time of the 2007 study, so it is unknown if this a long-standing requirement.

The social security number of a complainant is, of course, completely unnecessary to the investigation of a complaint of police misconduct. By requesting an SSN, these complaint forms subtly suggest that the complainant him- or herself may be investigated. Particularly at a time when the public is strongly urged to limit their disclosure of SSNs, this intrusion on privacy in order to file a complaint against a government employee is inexplicable.

Requiring a social security number has the added impact of discouraging non-citizens who do not possess social security numbers from filing a complaint in the first place. No police department should have a complaint process that, however unintentionally, implies that its officers can engage in misconduct with impunity against undocumented immigrants. (For similar reasons, those police departments⁷ that label their complaint forms "Citizen Complaints," might want to reconsider the title.)

Other police departments emphasize a focus on potentially investigating the complainant rather than the officer in other ways. While some departments make explicitly optional requests for more information about the complainant, others appear to require a complainant or witness's date of birth or age,⁸ work phone,⁹ driver's license number,¹⁰ employer or school,¹¹ or the relationship between a witness and complainant.¹² Individuals who already fear harassment by police may be deterred by a form that implies they may be visited by police at work or at school, have their identities scrutinized, or have the stories of their witnesses discredited on the

basis of their relationship. At the beginning stage of a complaint, at least, none of this information would seem necessary.

C. Notary Requirements

In 2007, Barrington, Newport, Warwick and Westerly placed an additional unnecessary burden on complainants, by requiring any complaint form to be notarized before it could be accepted. As late as 2013, Barrington, unlike the others, continued to require notarized complaint forms. South Kingstown, which did not have its complaint form posted in 2007, now also has a notary requirement.

For complainants in these jurisdictions, reporting police misconduct is not as simple as filling out a form and having their complaint investigated. Instead, these complainants must go through the hassle of finding a notary public, and potentially pay a fee – a requirement particularly dissuasive for those from low-income communities. Here again, the question becomes why such a requirement is imposed on the initial filing of complaints of police misconduct, but not other types of complaints.

In 2007, Westerly's complaint form alleged that the notary requirement was mandated by state law, citing R.I.G.L. §42-28.6-2(d) of the Law Enforcement Officers' Bill of Rights. In 2014, Westerly has dropped this requirement, but South Kingstown has adopted the exact same claim (and makes it three times in three sentences). In 2014, as in 2007, this claim is incorrect. The LEOBOR requires a notarized complaint only if and when a police officer is brought before a "Bill of Rights" hearing committee; few complaints make it to that stage. Police chiefs have the authority to impose minor discipline against officers without reaching the hearing process, so a notarization requirement as an initial step in the complaint process is unnecessarily

onerous. One should not have to get a document notarized in order to file a complaint with a government agency about alleged misconduct by one of its employees.

FURTHER CONCERNS

Beyond simple adherence to the law, there are a number of other issues surrounding the complaint procedures and forms posted online that are worth commenting on. They include the variety in terms of the detail that police departments provide in describing their complaint procedures, and the ease of access to the forms and procedures from the website. We have briefly touched on these issues previously in this report, but examine them in more detail here.

A. Explaining the Complaint Procedures

Rhode Island law requires only that police departments formulate and post online procedures and forms related to the collection of police misconduct complaints. The law is silent as to the breadth or substance of these forms and procedures, allowing each police department to determine what they feel is an appropriate policy. It makes sense that there will be some variety among the various policies from one department to the next – what may be appropriate for a large department like Providence may not be appropriate for Glocester or Westerly.

Instead, what we find is that where some departments have extensive, thorough policies that provide significant guidance to complainants, others have virtually no public policies beyond instructions as to where to mail a complaint form.¹³ For instance, Charlestown’s written policies appear as three sentences in part of a larger document titled “What To Do If Stopped By the Police?” These “procedures” read, in full:

If you have a question about procedures or a complaint about your treatment, contact the Department and ask to speak with a supervisor. You may also submit a letter of compliment if you feel the officer was particularly helpful in your situation. Compliments or complaints about officer conduct should be made within a reasonable time.

Although, under a generous reading of the law, Charlestown's minimal information fulfills the requirement that their procedures be posted online, it provides virtually no guidance whatsoever to complainants. These written policies do not link to or even mention the existence of a complaint form, which is found on an unrelated section of the website.

A few departments, such as Bristol, Burrillville, East Providence, and Jamestown provide only slightly more information, with a relatively bare-bones overview of the process that essentially amounts to informing complainants where to send their complaint. On the other hand, some police departments, such as Cranston, Johnston, North Providence, South Kingstown and Warwick, to point out a few, go into great detail in describing exactly how the complaint process works and what complainants can expect from it.

There are a few more positive postings worth noting. In 2014, the Newport Police Department (which, it should be noted, posts on a city website), posts online a tri-fold brochure that gives not only clear and respectful directions as to how to file a complaint, but a description as to what will happen once a complaint is filed. The brochure details the investigation procedure, noting that an investigation "may include a review of all applicable reports, policies, and procedures, examination of evidence or medical records, and interviews with all parties and witnesses." The brochure further details the potential outcomes of a complaint, including definitions of five separate potential findings (unfounded, exonerated, not sustained, sustained, and not involved).

The Providence Police Department has a similar brochure, with clear details as to the chain of events that occurs when a complaint is filed. Pursuant to a consent decree that was issued back in 1973, Providence also provides for a completion of the investigation within thirty days, and promises to notify the complainant if the investigation needs to be extended for good cause.

Some departments acknowledge that complainants may not be happy with the outcome of their investigation and offer alternatives. The Cumberland Police Department includes in their brochure the contact information of places complainants can go if they disagree with the outcome of their complaint. This includes the Mayor's Office, the Attorney General's office, the NAACP, the ACLU, and the FBI. Pawtucket also allows complainants to send their complaint forms to the Mayor's office, Cape Verdean American Community Development, or any member of the Pawtucket City Council.

While many departments are silent as to what complainants can expect from an investigation, others make up-front guarantees that provide at least some guidance for complainants. Jamestown promises in their complaint procedures that the Internal Affairs department will contact the complainant within 72 hours of their filing a complaint. North Smithfield asks complainants to follow up if they have not heard anything within 48 hours.

Johnston, Pawtucket, Richmond and the State Police promise complainants will be notified in writing of the outcome of the investigation. Lincoln and Narragansett promise a similar in-writing outcome and, if the investigation is expected to be lengthy, an in-writing estimate as to the length of time an investigation will take. Middletown, North Smithfield, and West Warwick promise in-writing notification at the beginning and end of an investigation, as well as periodic status updates if necessary.

Providence promises an in-writing, certified mail confirmation that the complaint has been received, the name of the investigator assigned to the complaint, and completion of the investigation within 30 days unless there is reason the investigation must be extended for another 30 days. While a hearing is mandatory, the complainant is also promised an in-writing, certified mail notification of this hearing ten days prior to the hearing and complainants may, for good cause, request a new hearing within one year of the complaint.

Most departments have only English forms online; though some may have developed forms in other languages, they are not readily available for non-English speakers who wish to report police misconduct. Newport, however offers their form in both English and Spanish, a courtesy that is glaringly absent from most other communities statewide. Pawtucket offers English, Spanish and Portuguese versions of their complaint brochure. (By contrast, the Charlestown Police Department not only does not offer a Spanish version of the form but requires that their complaint form be filled out by the person making the complaint – raising serious questions as to how those who do not speak English or have other difficulties reading or writing are to file their complaints.)

B. Locating the Complaint Forms and Procedures

Also not addressed by statute, the location of the complaint form and procedures on police department websites varies greatly. Eleven departments feature a prominent link to their complaint form or procedures directly on the homepage.¹⁴ This is only a slight improvement over the ten that did so in 2007.¹⁵ In the case of these departments, we feel complainants can, with considerable ease, navigate to the information they need to file a complaint. Five other

departments have their forms or procedures linked from the homepage, but either buried at the bottom of the page¹⁶ or as part of a drop-down menu.¹⁷

For the other departments, determining the location of the policies and forms can be a bit of a puzzle. Several include the information as an answer to a “F.A.Q.,” while others place their form under “Office of Professional Standards.” Looking for a complaint form on the Warwick Police Department page, for example, one must hover over “WPD Divisions” at the top of the page, and then click on “Professional Standards.” However, if one does not understand that they need to click on “Professional Standards” – an easy mistake since that turns into its own drop down menu with three options, none of which produces a complaint form – it will seem that a complaint form is unavailable on that website. In addition, a reference to “professional standards” sounds more like an inventory of police officer qualifications than a place to find information about complaint procedures.

Disappointingly, six of the ten departments that featured their complaint links prominently on their home page in 2007 actually made their complaint forms less accessible in 2014, by moving their links to less prominent locations. Coventry’s complaint link is now located as part of a drop-down menu, found by hovering the mouse over “Online Forms.” Lincoln maintains a link on the home page, but buried at the bottom of the page under “PDF Forms.” Scituate’s forms are similarly buried at the end of a long page. Though not quite as problematic, Jamestown’s form is no longer linked on the homepage, but found by clicking on “Common Department Forms” or “Professional Standards”; similarly, Narragansett’s is found by clicking on “Forms/Permits,” while Portsmouth’s is found under “Police Feedback.”

Once again, neither of the issues that we bring up in this section is addressed by the statute. However, detailed procedures and easy access to the complaint form make the

complaint process a more meaningful one in terms of complying with both the spirit and the letter of the Racial Profiling Prevention Act's mandate. Providing adequate, easy-to-access information on the Internet is essential if the police department's true goal is to encourage the public to file legitimate complaints of misconduct with internal affairs divisions.

CONCLUSION

A decade after passage of the Racial Profiling Prevention Act of 2004, and seven years after the ACLU first examined this issue, a number of police websites are still missing the basic information required by the law. Others undermine the law itself by requiring significantly more information than is necessary from complainants, while providing very limited information themselves about what complainants can expect from the process.

The results of this examination are especially troubling considering the faith that some police departments unrealistically place on their complaint process as a representation of the number of people who have had inappropriate experiences with their officers. There are myriad complicated reasons why those who feel they were mistreated may choose not to file complaints, and making the complaint process more open and accommodating to all involved will not solve those issues on its own. Yet if police departments are serious about their desire to receive feedback from the community, and to aggressively address issues of police misconduct and racial profiling, adjusting their complaint procedures and forms is a small, relatively simple step toward facilitating the filing of complaints.

Those departments that have been cited within this report as missing required information should immediately rectify their noncompliance by adding the necessary information. Just as importantly, however, we encourage police departments to use this report to examine the best practices of those departments around them, and to use the relative ease of a website to their benefit and facilitate a more open, transparent, and respectful complaint process.

In 2014, there is no reason why any police department – even ones whose website is maintained by their municipality – cannot post complaint procedures and forms online. Further,

those departments that include problematic elements in their complaint forms or procedures should immediately remove them. These include notary requirements, requests for a social security number, and intimidating certification requirements and selective warnings of criminal prosecution or civil action. These elements are unnecessary, and likely discourage those who fear retribution or harassment from filing complaints.

Finally, we encourage each department to evaluate their own complaint procedures with a fresh eye, and determine whether or not the existing procedures give a thorough understanding to complainants of what they can expect from the complaint process.

We are confident that this report will prompt departments to review their websites to comply with the statute. However, as noted at the beginning of this report, there are inherent limits to the value of internal police complaint procedures. Absent extraordinary changes in public perception, they are likely to continue to be viewed with cynicism by victims of misconduct for years to come. But in light of the confidence that some police departments seem to place in their internal procedures, it is eye-opening – and disheartening – to discover that too many fail to meet even minimal standards to make the process user-friendly.

Improving and facilitating the complaint process will not independently eliminate police misconduct or eradicate mistrust that may exist between the police and the community. However, a demonstration of real and serious concern for complaints against the police – followed by a thorough and honest investigation of those complaints – would be a step forward in addressing some of the systemic issues that have resulted in a decades-long conversation about racial profiling and police misconduct. Through these simple changes, Rhode Island's police departments can, in one small way, demonstrate their commitment to eliminating that misconduct.¹⁸

APPENDIX A
Police Department Websites

Barrington:	http://www.barrington.ri.gov/departments/pd.php
Bristol:	http://bristolri.us/police/
Burrillville:	http://www.burrillville.org/public_documents/fov1-00010e8e/index
Central Falls:	http://www.centralfallspolice.com/
Charlestown:	http://www.charlestownpolice.org/
Coventry:	http://www.coventrypd.org/Home.html
Cranston:	http://www.cranstonpolice.com/
Cumberland:	http://www.cumberlandpolice.com/
East Greenwich:	http://www.eastgreenwichri.com/TownServices/PublicSafety/tabid/190/Default.aspx
East Providence:	http://www.eastprovidence.com/content/666/738/746/780/default.aspx
Foster:	http://www.fosterpd.com/
Glocester:	http://www.glocesterri.org/policedept.htm
Hopkinton:	http://www.hopkintonpolice.org/
Jamestown:	http://www.jamestownri.net/police/
Johnston:	http://www.johnstonpd.com
Lincoln:	http://www.lincolnpoliceri.com/
Little Compton:	http://www.little-compton.com/dept.php
Middletown:	http://www.middletownri.com/government/8/Police-Department
Narragansett:	http://www.narragansetri.gov/index.aspx?nid=157
Newport:	http://www.cityofnewport.com/departments/police
New Shoreham:	http://www.new-shoreham.com/displaydept.cfm?id=21
North Kingstown:	http://www.nkpolice.org/
North Providence:	http://www.nppolice.com/
North Smithfield:	http://www.nsmithfieldri.org/town-departments/animal-control-department/town-departments/police-department/
Pawtucket:	http://www.pawtucketpolice.com/
Portsmouth:	http://www.portsmouthri.com/184/Police-Department
Providence:	http://www.providenceri.com/police
Richmond:	http://www.richmondpd.org/
Scituate:	http://www.scituateri.org/police.htm
Smithfield:	http://smithfieldpd.com/
South Kingstown:	http://www.southkingstownri.com/town-government/municipal-departments/police
Tiverton:	http://www.tiverton.ri.gov/departments/police.php
Warren:	http://www.warrenripd.com/
Warwick:	www.warwickpd.com
West Greenwich:	http://www.wgtownri.org/police/
West Warwick:	http://www.westwarwickpd.org/
Westerly:	http://www.westerlypolice.org/
Woonsocket:	http://www.woonsocketpolice.com/
State Police:	http://www.risp.ri.gov/

APPENDIX B Notable Issues

Department	Status
Barrington	Website broken. 2013 site required SSN.
Bristol	Does not list fax as submission option. Requires affirmation that facts are true, and agreement to appear before hearing authority and testify under oath. Requires employment phone, DOB.
Burrillville	Requires employment phone, DOB.
Central Falls	Online-only complaint. Says anonymous reports are acceptable, but unclear how those are filed.
Charlestown	Fax not explicitly listed as submission option. Requires DOB, work phone, driver's license.
Coventry	No procedures. Complaint form requires SSN. Threatens perjury charges for false information. Requires employer/school, business phone, emergency phone and DOB.
Cranston	Procedure cautions that deliberate false reporting may result in criminal prosecution. Requires DOB, work phone, occupation, and place of employment; also witness employer, work phone and relationship to complainant.
Cumberland	No explicit fax option.
East Greenwich	No complaint form or procedures.
East Providence	No explicit mail or fax submission options. Requires DOB and business phone.
Foster	No explicit submission instructions. Requires DOB for both complainant and witnesses.
Glocester	No explicit fax submission option. Threatens criminal/civil recourse for false complaints. Requires work phone and relationship of witness to complainant.
Hopkinton	No procedures. No explicit submission options. Requires business phone.
Jamestown	No explicit fax submission option. Requires DOB for complainant and witnesses.
Johnston	Fax number is on form but procedures say to file in person or by mail. Form warns of potential prosecution for false complaints.
Lincoln	No explicit fax submission option. Requires agreement to appear at a hearing and testify under oath, as well as affirmation that facts are true. Requires work phone.
Little Compton	No complaint form or procedures.
Middletown	No explicit fax submission option. Requires work phone and DOB for complainant and witnesses.
Narragansett	No explicit fax submission option. Requires affirmation that facts are true, and agreement to appear before board of inquiry and testify under oath. Requires work phone.
Newport	Requires work phone and witness address.
New Shoreham	No complaint form or procedures.
North Kingstown	Requires DOB and work phone.
North Providence	No explicit fax submission option. Requires complainant attest all facts are true. Requires DOB and work phone for complainant and person filling out form, along with relationship to complainant of person filling out the form.
North Smithfield	No explicit fax submission option. Requires DOB and work phone.
Pawtucket	Although there remains room for improvement, Pawtucket has rectified the issues that made them among the worst of the 2007 websites..
Portsmouth	No explicit fax submission option. Requires complainant swear all information is true and that police employee may pursue legal action for false complaint. Requires DOB and business phone.
Providence	Requires affirmation that all information is true.
Richmond	No complaint form.
Scituate	Warns that false accusations may result in criminal or civil recourse. Requires business phone for complainant and witnesses.
Smithfield	No explicit fax submission option. Requires DOB for complainant and witnesses.
South Kingstown	No explicit fax submission option. Requires notary. Requires work phone of complainant and witnesses, and age of witness.
Tiverton	No complaint form or procedures.
Warren	Requires SSN. Requires affirmation that information is true and warns that false allegations may result in legal action. Requires DOB.
Warwick	No explicit mail or fax submission options.
West Greenwich	Requires affirmation that facts are true and agreement to appear before a board of inquiry and testify under oath. Requires work phone.
West Warwick	Requires work phone of complainant and witness.
Westerly	Requires work phone of complainant and witness, DOB of complainant, age of witness.
Woonsocket	No explicit fax submission option. Requires DOB.
State Police	Requires work phone and relationship of complainant to witness.

APPENDIX C
Quick Comparison of Police Department Practices

Department	Department or City/Town Website	Complaint Form	Procedure Form	Mail	Fax	Prominent Link	Notary	SSN
Barrington	Town	Site down	Site down			X	In 2013	
Bristol	Town	X	X	X		X		
Burrillville	Town	X	X	X	X	X		
Central Falls	Department	X	X			X		
Charlestown	Department	X	X	X				
Coventry	Department	X						X
Cranston	Department	X	X	X	X			
Cumberland	Department	X	X	X				
East Greenwich	Town							
East Providence	City	X	X					
Foster	Department	X	X					
Glocester	Town	X	X	X		X		
Hopkinton	Department	X						
Jamestown	Town	X	X	X				
Johnston	Department	X	X	X				
Lincoln	Department	X	X	X				
Little Compton	Town							
Middletown	Town	X	X	X		X		
Narragansett	Town	X	X	X				
Newport	City	X	X	X	X			
New Shoreham	Town							
North Kingstown	Department	X	X	X	X	X		
North Providence	Department	X	X	X		X		
North Smithfield	Town	X	X	X				
Pawtucket	Department	X	X	X	X			
Portsmouth	Town	X	X	X				
Providence	City	X	X	X	X			
Richmond	Department		X	X	X	X		
Scituate	Town	X	X	X	X			
Smithfield	Department	X	X	X				
South Kingstown	Town	X	X	X		X	X	
Tiverton	Town							
Warren	Department	X	X	X	X	X		X
Warwick	Department	X	X					
West Greenwich	Town	X	X	X	X			
West Warwick	Department	X	X	X	X			
Westerly	Department	X	X	X	X			
Woonsocket	Department	X	X	X				
State Police	Department	X	X	X	X			

ENDNOTES

¹ According to a 2002 U.S. Department of Justice survey investigating “use of force” complaints, “although 75% of citizens experiencing force thought the level of force used was excessive,” only about 11% filed a formal complaint. “Citizen Complaints about Police Use of Force,” Bureau of Justice Statistics Special Report, June 2006, page 4.

² A review by the community group DARE, for example, found that of all complaints filed against 221 Providence Police officers in 1997 and 1998, in only three instances were officers found guilty of misconduct. One of those findings was subsequently overturned by the police chief. Similarly, a nationwide analysis of complaints performed by the U.S. Department of Justice in 2002 found that only about 8% of “use of force” complaints were sustained.

³ R.I.G.L. §31-21.2-1 et seq.

⁴ For this report, all of the websites were accessed on July 10th, July 11th, and August 5th, 2013, as well as throughout July 2014.

⁵ In fact, Tiverton is a good example of how failure to post police complaint information appears to be by choice. As was true in 2007, the Tiverton Police Department posted no forms on their town-hosted website in 2014. However, visits to the Tiverton Police Department website in 2013 showed that both a complaint form and complaint procedures were posted on the website at that time.

⁶ Bristol, Gloucester, Lincoln, Narragansett, North Providence, Portsmouth, Providence, Warren, and West Greenwich.

⁷ Burrillville, Coventry, Gloucester, Hopkinton, Jamestown, Johnston, Lincoln, Newport, Portsmouth (“Policy for Citizen Complaints,” although the form is just titled “Internal Investigation Complaint Form”), Scituate, and the Rhode Island State Police.

⁸ Burrillville, Charlestown, Coventry, Cranston, East Providence, Foster, Middletown, North Kingstown, North Providence, North Smithfield, Portsmouth, Smithfield, South Kingstown, Warren, Westerly, Woonsocket.

⁹ Bristol, Burrillville, Charlestown, Coventry, Cranston, East Providence, Gloucester, Hopkinton, Lincoln, Middletown, Narragansett, Newport, North Kingstown, North Providence, North Smithfield, Portsmouth, Scituate, South Kingsotwn, West Greenwich, West Warwick, Westerly, State Police.

¹⁰ Charlestown.

¹¹ Coventry, Cranston.

¹² Cranston, Gloucester, State Police.

¹³ Also worth noting in passing are the differences among police departments as to whether they accept anonymous complaints. Although there are obvious limitations to the thoroughness of an investigation when the complainant is anonymous, some police departments, including Cranston and Scituate, do advise individuals that they will accept anonymous complaints and investigate them to the extent feasible. Most, however, do not seem to consider that possibility.

¹⁴ Barrington (even though the link is broken), Bristol, Burrillville, Central Falls, Glocester, Middletown, North Kingstown, North Providence, Richmond, South Kingstown, Warren.

¹⁵ Bristol, Coventry, Jamestown, Lincoln, Middletown, Narragansett, North Kingstown, North Providence, Portsmouth and Scituate.

¹⁶ Lincoln, Providence, Scituate.

¹⁷ Coventry, Smithfield.

¹⁸ This report was prepared by ACLU of Rhode Island Policy Associate Hillary Davis.



This report was prepared by the American Civil Liberties Union of Rhode Island. The ACLU of Rhode Island is a private, non-profit organization dedicated to preserving and protecting the civil liberties guarantees found in the Bill of Rights.
